

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PDL BIOPHARMA, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-02289-RLY-MKK
)	
ELI LILLY AND COMPANY,)	
)	
Defendant.)	

ENTRY AND ORDER

On April 26, 2024, the parties, by counsel, appeared via telephone for an initial pretrial conference with the Magistrate Judge. The parties discussed their proposed case management plan, (Dkt. 39), which, as the Court noted, amounts to a request to stay discovery. Defendant maintains that there is good cause for staying discovery until the Court rules on its pending motion to dismiss. (Dkt. 39 at 4). Although Plaintiff "does not agree a stay is appropriate if donanemab receives FDA approval," (*id.*), Plaintiff does not oppose a stay at this time and asserts that it will not be prejudiced by a stay at this juncture.

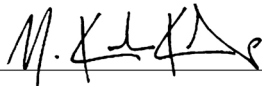
If the parties desired to stay discovery, as they evidently do, they should have filed a motion to do so. They did not. Putting aside this error, however, and in the interests of judicial efficiency, the Court exercises its discretion to stay discovery in this matter until **August 30, 2024**. No later than **September 3, 2024**, the parties shall file a status report, updating the Court as to any publicly-available information regarding the FDA approval process.

Should (a) donanemab receive FDA approval *or* (b) a ruling be issued on Defendant's pending motion to dismiss, (Dkt. 35), before August 30, 2024, the parties shall file the requested status report **within seven days** of such change in circumstances.

This matter is scheduled for a telephonic status conference on **September 5, 2024, at 10:00 a.m. (eastern)**. The call-in information for the conference will be transmitted to counsel by the Court.

The conference concluded without further order.

Date: 04/30/2024



M. Kendra Klump
United States Magistrate Judge
Southern District of Indiana

Distribution:

All counsel of record via CM/ECF.